

**FACSIMILE CERTIFICATE**

I certify that on 1/10/05, which is the date I am signing this certificate, this correspondence and all identified attachments are being transmitted via facsimile to (703) 746-4060 to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

*Maria Nadal*

Maria Nadal

**PATENT**

Applicant: a. Satyanarayan Naidu  
Serial No.: 10/672,668  
Filed: 09/26/2003  
Title: Prebiotic and Preservative  
Uses of Oil-Emulsified  
Probiotic Encapsulations

Examiner:  
Group Art Unit: 1651  
Atty Docket No.: 51309-00001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RESPONSE TO NOTICE UNDER 37 CFR 1.251**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice under 37 cfr 1.252 mailed on December 21, 2004, Applicant submits the following documents to be filed in the above referenced matter:

1. Copy of Notice Under 37 CFR 1.251;
2. Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address dated August 3, 2004 for U.S. applications: 10/021,871 and 10/672,668;
3. Statement Under 37 CFR 3.73(b); and
4. Notice of Recordation of Assignment Document.

My assistant, Maria Nadal, spoke with James Murphy on January 4, 2005, and Sid Chandhari on January 7, 2005 in connection with the above-matter. Ms. Nadal explained to Mr. Chandhari on January 7<sup>th</sup> that the Revocation of Power of Attorney was originally filed by Stradling Yocca Carlson & Rauth. Our office, Preston Gates & Ellis,

Application No.: 10/672,668  
Group Art Unit: 1651

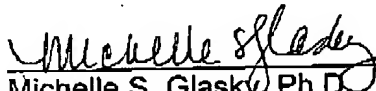
PATENT  
51309-00001

does not have proof either via postcard or facsimile transmission, that this Revocation was received by the USPTO. The copy that is being forwarded with this response was faxed to our office by Shauna Murray of Stradling Yocca Carlson & Rauth on January 8, 2005, with a note that indicated that this was filed on August 12, 2004.

The Commissioner is authorized to charge any fee which may be required in connection with this Notice or credit any overpayment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 1/10/05

  
Michelle S. Glasky, Ph.D.  
Registration No. 54,124  
Customer No. 45,200

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COMMISSIONER FOR PATENTS

FORM PTO-2053-B (REV. 10/03)

Approved for use through 07/31/2006.OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: A. Satyanarayan Naidu  
Application No.: 10/672,668  
Filing Date: 09/26/2003  
Title: Prebiotic and Preservative Uses of Oil-  
Emulsified Probiotic Encapsulations



Direct to: Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NOTICE UNDER 37 CFR 1.251 – Pending Application****Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☒ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

1/10/05

Signature

Michelle S. Glasky

Michelle S. Glasky, Ph.D.

Typed or printed name

**A Copy of this notice should be returned with the reply.**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

PTO-2053-B (Rev. 10/03)



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

### Change in power of attorney dated on 9-2-2004

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

James Murphy

(703) 305-6890

PTO-2053-A (Rev. 10/03)